

**ORDINANCE NO. 2005-14-CM
AMENDING TIPPECANOE COUNTY CODE
REPEALING CHAPTER 151
ADDING NEW CHAPTER 151
BUILDING REGULATIONS**

WHEREAS, The Board of Commissioners of Tippecanoe County desires to repeal the existing Chapter 151 of the Tippecanoe County Code, concerning Building Regulations and to add a new Chapter 151 of the Tippecanoe County Code concerning Building Regulations.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to repeal the existing Chapter 151 thereof, concerning Building Regulations and to add a new Chapter 151 concerning Building Regulations, reading as follows:

CHAPTER 151: BUILDING REGULATIONS

Section

Building Code

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BUILDING CODE

§ 151.01 TITLE.

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the *Building Code of Tippecanoe County, Indiana*, may be cited as such, and will be referred to herein as "This subchapter".

§ 151.02 PURPOSE.

The purpose of this subchapter is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

§ 151.03 AUTHORITY.

(A) The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this subchapter. Whenever in the buildings regulations, it is

provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Board of Commissioners, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulation, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(B) The Building Commissioner, after having been designated as the officer of a single agency to administer and enforce building regulations, shall be authorized to issue building permits, collect fees, perform inspections, order correction of violations of building regulations, and authorize occupancy of buildings and structures situated within the unincorporated areas of the county.

§ 151.04 SCOPE.

The provisions of this subchapter apply to the construction, demolition, alterations, use, occupancy, and additions to all buildings and structures other than fences, mobile structures, and/or industrialized buildings certified under I.C. 22-15-4 in the county, except storage buildings of 120 square feet or less and not constructed on a masonry or concrete foundation.

§ 151.05 ADOPTION OF REGULATIONS BY REFERENCE.

Pursuant to IC 22-13-2-3(b), the rules Indiana Fire Prevention and Building safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with dates as fixed therein:

- (a) Article 13 - Building Code
 - (1) Fire and Building Safety Standards;
 - (2) Indiana Building Code
 - (3) Indiana Building Code, Appendix C Group U (Agricultural Buildings)
- (b) Article 14 Indiana Residential Code
- (c) Article 16 Indiana Plumbing Code
- (d) Article 17 Indiana Electrical Code
- (e) Article 18 Indiana Mechanical Code
- (f) Article 19 Indiana Energy Conservation code
- (g) Article 20 Indiana Swimming Pool Code
- (h) Article 22 Indiana Fire Code
- (I) Article 24 Migrant Day Care Nursery Fire Safety Code
- (j) Article 25 Indiana Fuel and Gas Code

§151.06 APPLICATION FOR PERMITS.

No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by plans and specifications showing the work to be done, and listing the area of each level of the building and of the garage in square feet. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the Office of the State Building Commissioner if a state Construction Design Release is required. No local permits shall be issued hereunder until a copy of a Construction Design Release from the State Building Commission is received by the County Building Commissioner if such Construction Design Release is required.

§ 151.07 PERMIT REQUIRED; OTHER ORDINANCES.

(A) *Permit required.* A permit shall be obtained before beginning construction, demolition or alteration of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to the county.

- (1) A building permit expires and becomes void if:

- (a) The work authorized by the permit is not started within one (1) year from the date of issuance;

(b) The work authorized by the permit is suspended or abandoned for one (1) year;

(c) The work authorized by the permit is not completed within two (2) years from the date of issuance.

(2) The Building Commissioner may grant extensions to the time limitations provided that the extension request is submitted prior to the expiration date.

(3) All permits issued prior to September 1, 1999, shall expire and become null and void 90 days after the effective date of this subchapter or September 1, 2005, whichever is the later. The Building Commissioner may grant extensions to these permits upon cause shown by the permit holder.

(B) *Other ordinances.* All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

(C) *Compliance with zoning ordinance.* No building permit shall be issued for the construction, extension, remodeling or alteration of any proposed or existing building until the project has been checked for compliance with the Unified Zoning Ordinance of Tippecanoe County. Certain construction projects may require a site plan for the project to be approved by the County Surveyor, a driveway permit or letter to be issued by the County Highway Engineer, and/or a septic permit or letter to be issued by the County Board of Health.
Penalty, see § 151.99

§ 151.08 COMPLIANCE REQUIRED; ACCEPTED STANDARDS.

(A) No final approval of construction for any building or structure erected or altered after the adoption of this subchapter shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this subchapter.

(B) All work on the construction, demolition or alteration of buildings and other structures shall be performed according to the accepted standards and procedures.
Penalty, see § 151.99

§ 151.09 REVIEW OF APPLICATION; INSPECTIONS.

(A) Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

(1) Review all building permit applications to determine full compliance with provisions of this subchapter.

(2) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(3) An application for a permit becomes null and void if the applicant does not secure the permit within thirty (30) days after its approval.

(B) After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this subchapter and the terms of the permit.

§ 151.10 RIGHT OF ENTRY.

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the county to perform any duty imposed upon him by this subchapter.

§ 151.11 STOP ORDER.

Whenever work is being done contrary to the provisions of this subchapter, the Building Commissioner may order the work stopped by notice in writing, served on any person engaged

in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

§ 151.12 CERTIFICATE OF OCCUPANCY.

No final approval of construction for any building or structure erected or altered after such adoption of this ordinance shall be issued unless such building or structure was erected or altered in compliance with the provisions of this ordinance.

§ 151.13 VIOLATIONS.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use or occupy any building or structure, other than fences, in the county or cause or permit the same to be done, contrary to or in violation of the provisions of this subchapter.

Penalty, see § 151.99

§ 151.14 RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner's decision first through the County Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 or I.C. 4-21.5-3-7, as applicable.

§ 151.15 REMEDIES.

The Building Commissioner shall, in the name of the County Commissioners, bring actions in the Tippecanoe Circuit Court, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioners, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this subchapter.

BONDING OF CONTRACTORS

§ 151.25 BOND REQUIRED.

(A) No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the county, shall contract to perform any of the trades listed in § 151.26 of this subchapter in or upon any building in the county unless they shall first give bond to the Board of Commissioners with one or more sureties, in the penal sum of \$10,000 (each trade), conditioned that they will in good faith perform all things required of them under the provisions of the various ordinances and building codes then in effect, and conditioned further that they will pay all damages and save the county harmless on account of negligence, want of skill, or failure to comply with the various building codes and county ordinances in the county. Such bond must be submitted to and approved by the County Building Commissioner.

(B) No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the county, shall do business as a general contractor in the county, unless they shall first give bond to the Board of Commissioners with one or more sureties, in the penal sum of \$15,000, conditioned further that they will pay all damages and save the county harmless on account of negligence, want of skill or failure to comply with the various building codes and county ordinances then in effect in the county. Such bond must be submitted to and approved by the County Building Commissioner.

Penalty, see §151.99

§ 151.26 TRADES REQUIRING BONDING OF CONTRACTORS AND SUBCONTRACTORS.

The following trades shall supply a compliance bond as described in § 151.25:

- (A) Brick and Block Mason;
- (B) Building Demolition;
- (C) Building Movers;

- (D) Carpentry;
- (E) Concrete;
- (F) Drywall, Lathing and Plastering;
- (G) Electrical;
- (H) Fire Protection Equipment Installation;
- (I) Glazing;
- (J) Heating and Air Conditioning;
- (K) Insulation;
- (L) Plumbing;
- (M) Painting;
- (N) Roofing;
- (O) Siding;
- (P) Sign Installation;
- (Q) Structural Iron;
- (R) Swimming Pool Installation;
- (S) Any other construction trade.

§ 151.27 PERMITS.

No permit to perform the trades listed in § 151.26 of this section shall be issued unless a compliance bond is on file with the County Building Commission.

§ 151.28 USE OF BOND.

(A) Should the county be required to expend its funds in enforcing its ordinances pertaining to a permit against any contractor or sub-contractor whose compliance bond it holds, the county may seek reimbursement against that bond for its cost of enforcement.

(B) Should the county be required to expend its funds to repair damages caused by non-compliance with its ordinances pertaining to a permit against any contractor or sub-contractor whose compliance bond it holds, the county may seek reimbursement against the bond.

§ 151.29 REINSTATEMENT AND TERMINATION.

(A) Compliance bonds shall be maintained in the full amount required by this subchapter. If the bond, or a portion of it is used to reimburse the county for costs of enforcement or compliance, the contractor or sub-contractor must replenish the bond in the full amount and maintain it on an annual basis.

(B) No bond shall be terminated without written notice to the county 30 days before the termination date.

§ 151.99 PENALTY.

(A) If any person, firm or corporation shall violate any of the provisions of §§ 151.01 through 151.17 or shall do an act prohibited therein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of those sections, for each violation, failure or refusal, such person, firm or corporation shall be fined in the sum of One hundred (\$100.00) Dollars. Each day of such

unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(B) Whoever violates the provisions of §§ 151.25 through 151.29 shall be subject to the provisions of § 10.99.


This Ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 2nd day of May, 2005, by the following vote:

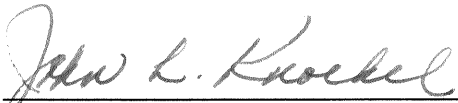
VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes


KD Benson, President

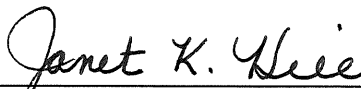
Yes


John L. Knochel, Vice President

Yes


Ruth E. Shedd, Member

ATTEST:



Janet K. Hill, Chief Deputy Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 16th day of May, 2005, by the following vote:

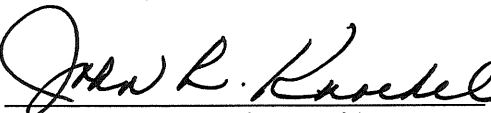
VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes


KD Benson, President

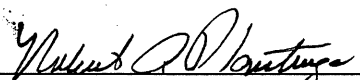
Yes


John L. Knochel, Vice President

Yes


Ruth E. Shedd, Member

ATTEST:


Robert A. Plantenga, Auditor of
Tippecanoe County